

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESPLANADE 2018 PARTNERS, LLC,

Plaintiff,

v.

MT HAWLEY INS CO,

Defendant.

23-CV-3592 (DEH)

ORDER

DALE E. HO, United States District Judge:

The Court entered a Civil Case Management Plan and Scheduling Order, which set a January 13, 2024 deadline for fact discovery and a January 27, 2024 deadline for Plaintiff's expert disclosures. *See* ECF No. 44. Following the parties' request, the Court extended the fact discovery deadline to June 25, 2024, *see* ECF No. 49. The parties did not request an extension for the expert disclosures, *see* ECF No. 48. Still, Plaintiff served an untimely "expert designation" on August 22, 2024, without leave from the Court. *See* ECF No. 75 at 2.

Federal Rule of Civil Procedure 26(a)(2)(D) requires a party to disclose the identity of a witness it intends to call as an expert and, in the case of a witness who is retained or specifically employed to provide expert testimony in the case, "at the time and in the sequence that the court orders." Fed. R. Civ. P. 26(a)(2)(D). Moreover, "district courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases." *Dietz v. Bouldin*, 579 U.S. 40, 47 (2016). Indeed, "[a] trial court enjoys wide discretion in its handling of pre-trial discovery." *Cruden v. Bank of N.Y.*, 957 F.2d 961, 972 (2d Cir. 1992); *see In Re Agent Orange Prod. Liab. Litig.*, 517 F.3d 76, 103 (2d Cir. 2008).

On September 10, 2024, the Court held a conference in the above-captioned matter. *See* ECF No. 74. For the reasons stated above and discussed during the conference, the Court will not permit the parties to rely on untimely-disclosed expert testimony absent further order.

SO ORDERED.

Dated: September 10, 2024

New York, New York

A handwritten signature in black ink, appearing to read 'Dale Ho', is positioned above a horizontal line.

DALE E. HO
United States District Judge